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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 JOSEPH C. SPENCER,

CASE NO. 1:01-CV-6066-OWW-SMS-P

10 Plaintiff,

ORDER DIRECTING THAT THIS ACTION
SHALL PROCEED AS ONE BROUGHT
PURSUANT TO 42 U.S.C. § 1983, AND
DIRECTING THE CLERK'S OFFICE TO RE-
DESIGNATE THIS ACTION AS A "P" CASE

11 v.

12 LAWHORN, et al.,

13 Defendants.
14 _____/

15 This action was initiated by Joseph C. Spencer ("Spencer") on August 17, 2001, via the filing
16 of a petition for writ of habeas corpus. In the course of the proceedings, Spencer changed the nature
17 of his claims and on May 20, 2005, Spencer was directed by the Court to decide whether he wanted
18 to proceed on habeas claims or conditions-of-confinement claims. On June 28, 2005, Spencer
19 notified the Court that he wishes to proceed with conditions-of-confinement claims.

20 Accordingly, is it HEREBY ORDERED that:

- 21 1. This action shall proceed as one brought pursuant to 42 U.S.C. § 1983; and
22 2. The Clerk's Office shall re-designate this case in the Court's system from an "HC"
23 case to a "P" case.
24

25 IT IS SO ORDERED.

26 Dated: August 4, 2005
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/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE